

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel.** )  
**W. A. DREW EDMONDSON, in his capacity as** )  
**ATTORNEY GENERAL OF THE STATE OF** )  
**OKLAHOMA and OKLAHOMA SECRETARY** )  
**OF THE ENVIRONMENT C. MILES TOLBERT,** )  
**in his capacity as the TRUSTEE FOR NATURAL** )  
**RESOURCES FOR THE STATE OF OKLAHOMA,** )

**Plaintiff,** )

**vs.** )

**05-CV-0329 TCK-SAJ**

**TYSON FOODS, INC., TYSON POULTRY, INC.,** )  
**TYSON CHICKEN, INC., COBB-VANTRESS, INC.,** )  
**AVIAGEN, INC., CAL-MAINE FOODS, INC.,** )  
**CAL-MAINE FARMS, INC., CARGILL, INC.,** )  
**CARGILL TURKEY PRODUCTION, LLC,** )  
**GEORGE'S, INC., GEORGE'S FARMS, INC.,** )  
**PETERSON FARMS, INC., SIMMONS FOODS, INC.,** )  
**and WILLOW BROOK FOODS, INC.,** )

**Defendants.** )

**TYSON FOODS, INC., TYSON POULTRY, INC.,** )  
**TYSON CHICKEN, INC., COBB-VANTRESS, INC.,** )  
**GEORGE'S, INC., GEORGE'S FARMS, INC.,** )  
**PETERSON FARMS, INC., SIMMONS FOODS, INC.,** )  
**and WILLOW BROOK FOODS, INC.,** )

**Third Party Plaintiffs,** )

**vs.** )

**City of Tahlequah, et al.,** )

**Third Party Defendants** )

**DEFENDANTS/THIRD PARTY PLAINTIFFS' UNOPPOSED MOTION  
FOR EXTENSION TO FILE REPLY TO PLAINTIFFS' AND THE BERRY  
GROUP'S RESPONSES TO DEFENDANTS/THIRD PARTY PLAINTIFFS'  
MOTION FOR LEAVE TO FILE AMENDED THIRD PARTY COMPLAINT**

Peterson Farms, Inc. on behalf of the Defendants/Third Party Plaintiffs, Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc., and Willow Brook Foods, Inc., ("Third Party Plaintiffs") hereby submit their Unopposed Motion for Extension to File Reply to Plaintiffs' and the Berry Group's Responses to Defendants/Third Party Plaintiffs' Motion for Leave to File Amended Third Party Complaint, requesting an extension of one day to file their Reply. In support of their Motion, Third Party Plaintiffs state:

1. On June 23, 2006, Third Party Plaintiffs filed their Opposed Motion for Leave to File Amended Third Party Complaint.

2. On July 11, 2006, Plaintiffs and The Berry Group filed their respective Response in Opposition to Defendants/Third Party Plaintiffs' Opposed Motion for Leave to File Amended Third Party Complaint.

3. Pursuant to LCvR 7.1(h) and Fed. R. Civ. P. 6, Third Party Plaintiffs' Reply is due on July 25, 2006.

4. Third Party Plaintiffs seek a one day extension in which to file their Reply to Plaintiffs' and the Berry Group's Responses to Defendants/Third Party Plaintiffs' Motion for Leave to File Amended Third Party Complaint.

5. The undersigned counsel for Peterson Farms, Inc. has consulted with Richard M. Garren, counsel of record for Plaintiffs and R. Jack Freeman, counsel of record for The Berry Group, and is authorized to state that neither Plaintiffs nor The Berry Group have any objection to the requested extension of one day.

WHEREFORE, Third Party Plaintiffs move the Court for an Order granting their Unopposed Motion for Extension to File Reply allowing Third Party Plaintiffs until July 26, 2006, to file their Reply to Plaintiffs' and the Berry Group's Responses to Defendants/Third Party Plaintiffs' Motion for Leave to File Amended Third Party Complaint.

Respectfully submitted,

BY: /s/ Nicole M. Longwell

A. SCOTT McDANIEL, OBA # 16460

CHRIS A. PAUL, OBA #14416

NICOLE M. LONGWELL, OBA #18771

PHILIP D. HIXON, OBA #19121

JOYCE, PAUL & McDANIEL, PLLC

1717 South Boulder Ave., Suite 200

Tulsa, Oklahoma 74119

Telephone: (918) 599-0700

Facsimile: (918) 732-5370

E-Mail: smcdaniel@jpm-law.com

-and-

Sherry P. Bartley (Ark. Bar No. 79009)

*Appearing Pro Hac Vice*

MITCHELL, WILLIAMS, SELIG,

GATES & WOODYARD, P.L.L.C.

425 W. Capitol Ave., Suite 1800

Little Rock, Arkansas 72201

Telephone: (501) 688-8800

**ATTORNEYS FOR PETERSON FARMS, INC.**

BY: /s/ Stephen L. Jantzen

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

STEPHEN L. JANTZEN, OBA #16247

PATRICK M. RYAN, OBA #7864

PAULA BUCHWALD, OBA # 20464

RYAN, WHALEY & COLDIRON, P.C.

119 North Robinson

900 Robinson Renaissance

Oklahoma City, OK 73102

-and-

THOMAS C. GREEN, ESQ.

MARK D. HOPSON, ESQ.

TIMOTHY K. WEBSTER, ESQ.

JAY T. JORGENSEN, ESQ.

SIDLEY AUSTIN LLP

1501 K Street, N.W.

Washington, D.C. 20005-1401

-and-

ROBERT W. GEORGE, OBA #18562

KUTAK ROCK LLP

The Three Sisters Building

214 West Dickson Street

Fayetteville, AR 72701-5221

**ATTORNEYS FOR TYSON FOODS, INC.;  
TYSON POULTRY, INC.; TYSON CHICKEN,  
INC.; AND COBB-VANTRESS, INC.**

BY: /s/ R. Thomas Lay

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

R. THOMAS LAY, OBA #5297

KERR, IRVINE, RHODES & ABLES

201 Robert S. Kerr Ave., Suite 600

Oklahoma City, OK 73102

**ATTORNEYS FOR WILLOW BROOK  
FOODS, INC.**

BY: /s/ Randall E. Rose

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

RANDALL E. ROSE, OBA #7753

GEORGE W. OWENS, ESQ.

OWENS LAW FIRM, P.C.

234 W. 13<sup>th</sup> Street

Tulsa, OK 74119

**ATTORNEYS FOR GEORGE'S, INC. AND  
GEORGE'S FARMS, INC.**

BY: /s/ John R. Elrod

(SIGNED BY FILING ATTORNEY WITH  
PERMISSION)

JOHN R. ELROD, ESQ.

VICKI BRONSON, OBA #20574

CONNER & WINTERS, LLP

100 West Central St., Suite 200

Fayetteville, AR 72701

**ATTORNEYS FOR SIMMONS FOODS, INC.**

### **CERTIFICATE OF SERVICE**

I certify that on the 25<sup>th</sup> day of July 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General  
Kelly Hunter Burch, Assistant Attorney General  
J. Trevor Hammons, Assistant Attorney General  
Robert D. Singletary, Assistant Attorney General

drew\_edmondson@oag.state.ok.us  
kelly\_burch@oag.state.ok.us  
trevor\_hammons@oag.state.ok.us  
robert\_singletary@oag.state.ok

Douglas Allen Wilson  
Melvin David Riggs  
Richard T. Garren  
Sharon K. Weaver  
Riggs Abney Neal Turpen Orbison & Lewis

doug\_wilson@riggsabney.com,  
driggs@riggsabney.com  
rgarren@riggsabney.com  
sweaver@riggsabney.com

Robert Allen Nance  
Dorothy Sharon Gentry  
Riggs Abney

rnance@riggsabney.com  
sgentry@riggsabney.com

J. Randall Miller  
David P. Page  
Louis W. Bullock  
Miller Keffer & Bullock

rmiller@mkblaw.net  
dpage@mkblaw.net  
lbullock@mkblaw.net

Elizabeth C. Ward  
Frederick C. Baker  
William H. Narwold  
Motley Rice  
**COUNSEL FOR PLAINTIFFS**

lward@motleyrice.com  
fbaker@motleyrice.com  
bnarwold@motleyrice.com

Stephen L. Jantzen  
Patrick M. Ryan  
Paula M. Buchwald  
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com  
pryan@ryanwhaley.com  
pbuchwald@ryanwhaley.com

Mark D. Hopson  
Jay Thomas Jorgensen  
Timothy K. Webster  
Sidley Austin LLP

mhopson@sidley.com  
jjorgensen@sidley.com  
twebster@sidley.com

Robert W. George  
Kutack Rock LLP  
**COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.; AND COBB-VANTRESS, INC.**

robert.george@kutackrock.com

R. Thomas Lay  
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Thomas J. Grever  
Lathrop & Gage, L.C.  
Jennifer S. Griffin  
Lathrop & Gage, L.C.  
**COUNSEL FOR WILLOW BROOK FOODS, INC.**

tgrever@lathropgage.com  
jgriffin@lathropgage.com

Robert P. Redemann  
Lawrence W. Zeringue  
David C. Senger  
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

rredemann@pmrlaw.net  
lzingue@pmrlaw.net  
dsenger@pmrlaw.net

Robert E. Sanders  
E. Stephen Williams  
Young Williams P.A.  
**COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.**

rsanders@youngwilliams.com  
steve.williams@youngwilliams.com

George W. Owens  
Randall E. Rose  
The Owens Law Firm, P.C.

gwo@owenslawfirmmpc.com  
rer@owenslawfirmmpc.com

James M. Graves  
Gary V. Weeks  
Bassett Law Firm  
**COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.**

jgraves@bassettlawfirm.com

John R. Elrod  
Vicki Bronson  
Conner & Winters, P.C.

jelrod@cwlaw.com  
vbronson@cwlaw.com

Bruce W. Freeman  
D. Richard Funk  
Conner & Winters, LLLP  
**COUNSEL FOR SIMMONS FOODS, INC.**

bfreeman@cwlaw.com

John H. Tucker  
Colin H. Tucker  
Theresa Noble Hill  
Rhodes, Hieronymus, Jones, Tucker & Gable

jtuckercourts@rhodesokla.com  
chtucker@rhodesokla.com  
thillcourts@rhodesokla.com

Terry W. West  
The West Law Firm

terry@thewesetlawfirm.com

Delmar R. Ehrich  
Bruce Jones  
Krisann Kleibacker Lee  
Dara D. Mann  
Faegre & Benson LLP

dehrich@faegre.com  
bjones@faegre.com  
kklee@baegre.com  
dmann@faegre.com

**COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC**

Jo Nan Allen  
**COUNSEL FOR CITY OF WATTS**

jonanallen@yahoo.com

Park Medearis  
Medearis Law Firm, PLLC  
**COUNSEL FOR CITY OF TAHLEQUAH**

medearislawfirm@sbcglobal.net

Todd Hembree  
**COUNSEL FOR TOWN OF WESTVILLE**

hembreelaw1@aol.com

Tim K. Baker  
Maci Hamilton Jessie  
Tim K. Baker & Associates

tbakerlaw@sbcglobal.net  
maci.tbakerlaw@sbcglobal.net

**COUNSEL FOR GREENLEAF NURSERY CO., INC., WAR EAGLE FLOATS, INC., and  
TAHLEQUAH LIVESTOCK AUCTION, INC.**

David A. Walls  
Walls Walker Harris & Wolfe, PLLC

wallsd@wwhwlaw.com

**COUNSEL FOR KERMIT AND KATHERINE BROWN**

Kenneth E. Wagner  
Marcus N. Ratcliff  
Laura E. Samuelson  
Latham, Stall, Wagner, Steele & Lehman

kwagner@lswsl.com  
mratcliff@lswsl.com  
lsamuelson@lswsl.com

**COUNSEL FOR BARBARA KELLEY D/B/A DIAMOND HEAD RESORT**

Linda C. Martin  
N. Lance Bryan  
Doerner, Saunders, Daniel & Anderson, LLP  
**COUNSEL FOR SEQUOYAH FUELS & NORTHLAND FARMS**

lmartin@dsda.com

Ron Wright  
Wright, Stout, Fite & Wilburn  
**COUNSEL FOR AUSTIN L. BENNETT AND LESLIE A. BENNET, INDIVIDUALLY  
AND D/B/A EAGLE BLUFF RESORT**

ron@wsfw-ok.com

R. Jack Freeman  
Tony M. Graham  
William F. Smith  
Graham & Freeman, PLLC  
**COUNSEL FOR "THE BERRY GROUP"**

jfreeman@grahamfreeman.com  
tgraham@grahamfreeman.com  
bsmith@grahamfreeman.com

Angela D. Cotner  
**COUNSEL FOR TUMBLING T BAR L.L.C. and BARTOW AND WANDA HIX**

angelacotneresq@yahoo.com

Thomas J. McGeady  
Ryan P. Langston  
J. Stephen Neas  
Bobby J. Coffman  
Logan & Lowry, LLP  
**COUNSEL FOR LENA AND GARNER GARRISON; AND BRAZIL CREEK  
MINERALS, INC.**

sneas@loganlowry.com

R. Pope Van Cleef, Jr.  
Robertson & Williams  
**COUNSEL FOR BILL STEWART, INDIVIDUALLY AND D/B/A DUTCHMAN'S  
CABINS**

Popevan@robertsonwilliams.com

Lloyd E. Cole, Jr.  
**COUNSEL FOR ILLINOIS RIVER RANCH PROPERTY OWNERS ASSOCIATION;  
FLOYD SIMMONS; RAY DEAN DOYLE AND DONNA DOYLE; JOHN STACY D/B/A  
BIG JOHN'S EXTERMINATORS; AND BILLY D. HOWARD**

colelaw@alltel.net

Douglas L. Boyd  
**COUNSEL FOR HOBY FERRELL and GREATER TULSA INVESTMENTS, LLC**

dboyd31244@aol.com

Michael D. Graves  
D. Kenyon Williams, Jr.  
**COUNSEL FOR POULTRY GROWERS**

mgraves@hallestill.com  
kwilliams@hallestill.com

William B. Federman  
Jennifer F. Sherrill  
Federman & Sherwood

wfederman@aol.com  
jfs@federmanlaw.com

Teresa Marks

teresa.marks@arkansasaag.gov



Charles Moulton  
Office of the Attorney General  
**COUNSEL FOR THE STATE OF ARKANSAS AND THE ARKANSAS NATURAL  
RESOURCES COMMISSION**

charles.moulton@arkansag.gov

John B. DesBarres  
**COUNSEL FOR JERRY MEANS AND DOROTHY ANN MEANS, INDIVIDUALLY AND  
AS TRUSTEE OF JERRY L. MEANS TRUST AND DOROTHY ANN MEANS TRUST;  
BRIAN R. BERRY AND MARY C. BERRY, INDIVIDUALLY AND D/B/A TOWN  
BRANCH GUEST RANCH; AND BILLY SIMPSON, INDIVIDUALLY AND D/B/A  
SIMPSON DAIRY**

johnd@wcalaw.com

Carrie Griffith  
**COUNSEL FOR RAYMOND C. AND SHANNON ANDERSON**

griffithlawoffice@yahoo.com

Reuben Davis  
**COUNSEL FOR WAUHILLAU OUTING CLUB**

rdavis@boonesmith.com

Monte W. Strout  
**COUNSEL FOR CLAIRE WELLS AND LOUISE SQUYRES**

strout@xtremeinet.net

Thomas Janer  
Jerry M. Maddux  
**COUNSEL FOR SUZANNE M. ZEIDERS**

scmj@sbcglobal.net

Michael L. Carr  
Michelle B. Skeens  
Robert E. Applegate  
Holden & Carr  
**COUNSEL FOR SNAKE CREEK MARINA, LLC**

mcarr@holdenokla.com  
mskeens@holdenokla.com  
rapplegate@holdenokla.com

I also hereby certify that I served the attached documents by United States Postal Service,  
proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert  
Secretary of the Environment  
State of Oklahoma  
3800 North Classen  
Oklahoma City, OK 73118  
**COUNSEL FOR PLAINTIFFS**

Ancil Maggard  
c/o Leila Kelly  
2615 Stagecoach Drive  
Fayetteville, AR 72703  
**PRO SE**

Thomas C. Green  
Sidley Austin Brown & Wood LLP  
1501 K Street NW  
Washington, DC 20005  
**COUNSEL FOR TYSON FOODS, INC.,  
TYSON POULTRY, INC., TYSON  
CHICKEN, INC.; AND COBB-VANTRESS,  
INC.**

James R. Lamb  
Dorothy Jean Lamb  
Strayhorn Landing  
Rt. 1, Box 253  
Gore, OK 74435  
**PRO SE**

G. Craig Heffington  
20144 W. Sixshooter Rd.  
Cookson, OK 74427  
**ON BEHALF OF SIXSHOOTER RESORT  
AND MARINA, INC.**

James C. Geiger  
Kenneth D. Spencer  
Jane T. Spencer  
Address Unknown  
**PRO SE**

Jim Bagby  
Rt. 2, Box 1711  
Westville, OK 74965  
**PRO SE**

Robin Wofford  
Rt. 2, Box 370  
**Watts, OK 74964  
PRO SE**

Doris Mares  
Cookson Country Store and Cabins  
32054 S. Hwy 82  
P. O. B ox 46  
Cookson, OK 74424  
**PRO SE**

Richard E. Parker  
Donna S. Parker  
Burnt Cabin Marina & Resort, LLC  
34996 South 502 Road  
Park Hill, OK 74451  
**PRO SE**

Eugene Dill  
32054 S. Hwy 82  
P. O. Box 46  
Cookson, OK 74424  
**PRO SE**

Marjorie A. Garman  
Riverside RV Resort and Campground LLC  
5116 Hwy. 10  
Tahlequah, OK 74464  
**PRO SE**

Gordon and Susann Clinton  
23605 S. Goodnight Ln.  
Welling, OK 74471  
**PRO SE**

William and Cherrie House  
P. O. Box 1097  
Stillwell, OK 74960  
**PRO SE**

/s/ Nicole M. Longwell